

## SENATE BILL No. 516

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-6-13; IC 5-2-12-5; IC 11-8-2-12; IC 36-2-13-5.7.

**Synopsis:** Victim notification. Establishes an automated victim notification system within the attorney general's office and permits a crime victim to register for the system by telephone. Provides that the system automatically notifies a registered crime victim by telephone when: (1) a committed offender's status changes; (2) the offender is released or has escaped; or (3) the status of certain court cases changes. Provides that the system must notify residents of a sex offender living nearby. Allows a crime victim to obtain the most recent status of an offender by calling the system. Requires the attorney general to update the system frequently. Provides that there is no cause of action based on the system's failure to notify. Requires the department of correction and sheriffs to assist the attorney general's office and provide personnel to coordinate data for victim notification services. Requires a sheriff or police chief of Indianapolis to notify the attorney general when a sex offender files a new sex offender registration form.

**Effective:** July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 516

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-6-13 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]:

4 **Chapter 13. Victim Notification Services**

5 **Sec. 1. As used in the chapter, "registered crime victim" refers**  
6 **to a crime victim who registers to receive victim notification**  
7 **services under section 2(a)(5) of this chapter.**

8 **Sec. 2. (a) The attorney general shall establish an automated**  
9 **victim notification system that must do the following:**

10 **(1) Automatically notify a registered crime victim when a**  
11 **committed offender who committed the crime against the**  
12 **victim:**

13 **(A) is transferred or assigned to another facility within the**  
14 **department of correction;**

15 **(B) is transferred to a facility not operated by the**  
16 **department of correction;**

17 **(C) is given a different security classification;**



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(D) is released on temporary leave;

(E) is discharged; or

(F) has escaped.

(2) Permit a registered crime victim to receive the most recent status report for an offender by calling the automated victim notification system on a toll free telephone number.

(3) Notify a registered crime victim concerning a change in the status of:

(A) a criminal appeal;

(B) a writ of habeas corpus proceeding;

(C) an appeal from the granting of a petition for postconviction relief; or

(D) a postconviction proceeding in a capital case; concerning the committed offender who committed the crime against the registered crime victim.

(4) Provide notice to occupants of residences in the area in which a sex offender resides.

(5) Permit a crime victim to register or update the victim's registration for the automated victim notification system by calling a toll free telephone number.

(b) The automated victim notification system may transmit information to a person by:

(1) telephone;

(2) electronic mail; or

(3) another method as determined by the attorney general.

Sec. 3. The attorney general must ensure that the offender information contained in the automated victim notification system is updated frequently enough to timely notify a registered crime victim that an offender has been released, has been discharged, or has escaped. However, the failure of the automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against:

(1) the state;

(2) the attorney general; or

(3) the department of correction.

Sec. 4. Law enforcement officers and prosecuting attorneys shall cooperate with the attorney general in establishing and maintaining the automated victim notification system.

Sec. 5. The attorney general, in cooperation with the Indiana criminal justice institute, shall seek:

(1) federal grants; and

(2) other funding;

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1 **for startup and operational costs for victim notification services**  
 2 **under this chapter.**

3 **Sec. 6. The attorney general may adopt rules under IC 4-22-2 to**  
 4 **implement this chapter.**

5 SECTION 2. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to section 13 of this  
 7 chapter, the following persons must register under this chapter:

8 (1) An offender who resides in Indiana. An offender resides in  
 9 Indiana if either of the following applies:

10 (A) The offender spends or intends to spend at least seven (7)  
 11 days (including part of a day) in Indiana during a one hundred  
 12 eighty (180) day period.

13 (B) The offender owns real property in Indiana and returns to  
 14 Indiana at any time.

15 (2) An offender not described in subdivision (1) who works or  
 16 carries on a vocation or intends to work or carry on a vocation full  
 17 time or part time for a period of time:

18 (A) exceeding fourteen (14) consecutive days; or

19 (B) for an aggregate period of time exceeding thirty (30) days;  
 20 during any calendar year in Indiana, whether the offender is  
 21 financially compensated, volunteered, or is acting for the purpose  
 22 of government or educational benefit.

23 (3) An offender not described in subdivision (1) who is enrolled  
 24 or intends to be enrolled on a full-time or part-time basis in any  
 25 public or private educational institution, including any secondary  
 26 school, trade, or professional institution, or institution of higher  
 27 education in Indiana.

28 (b) Except as provided in subsection (e), an offender who resides in  
 29 Indiana shall register with the sheriff of the county where the offender  
 30 resides. If an offender resides in more than one (1) county, the offender  
 31 shall register with the sheriff of each county in which the offender  
 32 resides. However, if an offender resides in a county having a  
 33 consolidated city, the offender shall register with the police chief of the  
 34 consolidated city.

35 (c) An offender described in subsection (a)(2) shall register with the  
 36 sheriff of the county where the offender is or intends to be employed or  
 37 carry on a vocation. However, an offender described in subsection  
 38 (a)(2) who is employed or intends to be employed or to carry on a  
 39 vocation in a consolidated city shall register with the police chief of the  
 40 consolidated city. If an offender is or intends to be employed or carry  
 41 on a vocation in more than one (1) county, the offender shall register  
 42 with the sheriff of each county. However, if an offender is employed or

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intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county.

(d) An offender described in subsection (a)(3) shall register with the sheriff of the county where the offender is enrolled or intends to be enrolled as a student. However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.

(f) An offender shall complete a registration form. Each sheriff or police chief of a consolidated city shall make the registration forms available to registrants.

(g) The offender shall register not more than seven (7) days after the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by

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IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

(1) forward a copy of the new registration form to the:

(A) institute; and

(B) attorney general; and

(2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 3. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12. The department shall:**

(1) cooperate with the attorney general to implement IC 4-6-13; and

(2) designate personnel to coordinate data for victim notification services.

SECTION 4. IC 36-2-13-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5.7. The sheriff shall:**

(1) cooperate with the attorney general to implement IC 4-6-13; and

(2) designate personnel to coordinate data for victim notification services.

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